

Plaintiff Eddie Washington (Washington) filed this civil action against the U.S. Department of Homeland Security (DHS), Alejandro Mayorkas in his official capacity (Mayorkas), U.S. Immigration and Customs Enforcement (ICE), Tae D. Johnson in his official capacity (Johnson), the Attorney General (AG), York County, York County Sheriff's Office (YCSO), and YCSO employee Sergeant Nicholas Schifferle. In Washington's amended complaint, he asserts eleven causes of action that may be divided into three groups: (1) claims brought pursuant to 42 U.S.C. § 1983 for violations of his constitutional rights (first, second, fourth, sixth, and eighth causes of action), (2) claims for violations of the South Carolina

Constitution (third, fifth, seventh, and ninth causes of action), and (3) state-law claims for civil conspiracy (tenth cause of action) and conversion/claim and delivery (eleventh cause of action).

This matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge recommending DHS, Mayorkas, ICE, Johnson, and the AG's (collectively, Federal Defendants) motion to dismiss the amended complaint be granted. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on April 13, 2021. To date, Washington has failed to file any objections. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845-46 (4th Cir. 1985).

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of the Court the Federal Defendants’ motion to dismiss the amended complaint is

GRANTED. Specifically, the Federal Defendants' motion to dismiss Washington's (1) federal claims brought pursuant to 42 U.S.C. § 1983, (2) claims for violations of the South Carolina Constitution, and (3) claims for civil conspiracy and conversion is **GRANTED.** Furthermore, Washington's request for declaratory relief is **DENIED** as to the Federal Defendants.

IT IS SO ORDERED.

Signed this 6th day of May 2021, in Columbia, South Carolina.

s/ Mary Geiger Lewis
MARY GEIGER LEWIS
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this Order within sixty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.